IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.274 OF 2006

Ghatge Patil Transports Ltd, .. Petitioners
Vs
The State of Maharashtra
and ors. .. Respondents.

Mr Nitin Pradhan with Ms Shubhada Khot, for the petitioners.
Mr S.R.Borulkar, P.P., for the respondent-State.

CORAM : D.B.BHOSALE, J.

DATED : 28th July, 2006

P.C.:

1. Heard Mr Pradhan, learned counsel for the petitioner and Mr Borulkar, learned Public Prosecutor, for the respondent-State.

2. In this writ petition, the petitioner has made the following prayers:

> (a) A writ of certiorari or any other appropriate writ, order or direction in the like nature be issued thereby declaring the order dated December 19/20, 2005 passed by the respondent no.2 as illegal, null and void and hence quashed and set aside and the respondent be directed to forthwith release the petitioner company's truck bearing No.MH-09-Q-7246, on such terms and conditions as this Hon'ble Court deems fit and proper in the facts and circumstances of the case;
>
> (b) A writ of certiorari or any other appropriate writ, order or direction in the like nature be issued thereby directing the respondent no.2 not to attach truck bearing No.MH-09-Q-7145 and No.MH-09-Q-6715 belonging

to the petitioner-company."

2. Insofar as prayer (b) is concerned, Mr Pradhan, learned counsel for the petitioner, submits that the petitioner will surrender both the vehicles before the concerned Magistrate within two weeks from today. He further submits that the prosecution be directed to furnish the case number in which these two vehicles are attached. The statement of Mr Pradhan is accepted. The investigating officer shall inform the case number in which both these vehicles are required in writing to the petitioner at the earliest to enable them to comply with the aforestated statement. It is needless to express that surrender of the vehicles by the petitioner would be without prejudice to his legal rights and contentions and it would be open for the petitioner to file appropriate application seeking custody of the vehicles at an appropriate stage. If such an application is filed same would be considered on merits in accordance with law.

3. Insofar as the prayer (a) is concerned, Mr Pradhan, learned counsel, submits that the petitioners be given liberty to make an appropriate application before the trial Court to seek custody of the vehicles. Liberty as prayed for, is granted. If such application is filed same also be considered on merits

in accordance with law as expeditiously as possible and preferably within a period of six weeks from the date of filing of such application. In view of these directions, Mr Pradhan, learned counsel for the petitioners, prays for withdrawal of this petition. The writ petition is disposed of as withdrawn.

. All contentions are kept open.

(D.B.BHOSALE,J.)